

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**WSOU INVESTMENTS, LLC d/b/a
BRAZOS LICENSING AND
DEVELOPMENT,**

Plaintiff,

v.

SALESFORCE.COM, INC.,

Defendant.

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CIVIL ACTION NO. 6:20-cv-1172

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development (“Brazos” or “Plaintiff”), by and through its attorneys, files this Complaint for Patent Infringement against Defendant Salesforce.com, Inc. (“Salesforce”) and alleges:

NATURE OF THE ACTION

1. This is a civil action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §§ 1, et seq., including §§ 271, 281, 284, and 285.

THE PARTIES

1. Brazos is a limited liability corporation organized and existing under the laws of Delaware, with its principal place of business at 606 Austin Avenue, Suite 6, Waco, Texas 76701.

2. Defendant Salesforce is a corporation organized and existing under the laws of Delaware that maintains an established place of business at 415 Mission Street, 3rd Floor, San Francisco, California 94105.

JURISDICTION AND VENUE

3. This is an action for patent infringement which arises under the Patent Laws of the United States, in particular, 35 U.S.C. §§271, 281, 284, and 285.

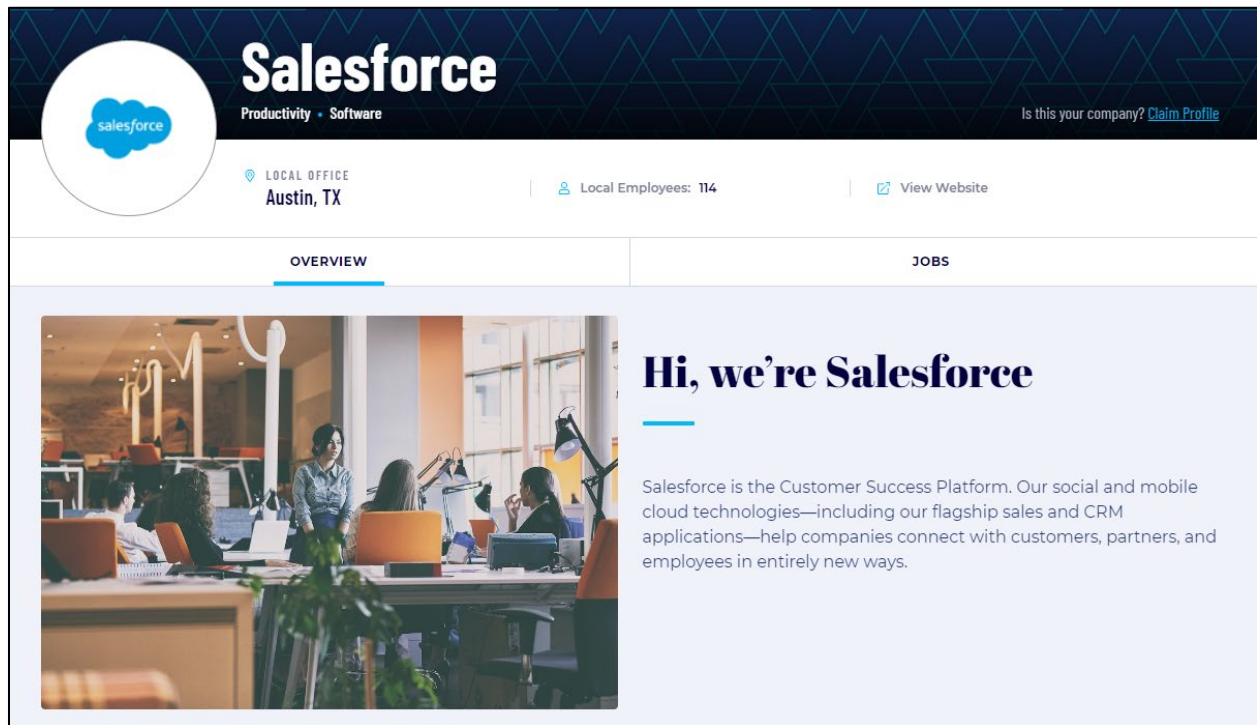
4. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has specific and general personal jurisdiction over Defendant pursuant to due process and/or the Texas Long Arm Statute because Defendant has committed acts giving rise to this action within Texas and within this judicial district. The Court's exercise of jurisdiction over Defendant would not offend traditional notions of fair play and substantial justice because Salesforce has established minimum contacts with the forum. For example, on information and belief, Defendant has committed acts of infringement in this judicial district, by among other things, selling and offering for sale products that infringe the asserted patent, directly or through intermediaries, as alleged herein.

6. Venue in the Western District of Texas is proper pursuant to 28 U.S.C. §§1391 and 1400(b) because Defendant has committed acts of infringement in this judicial district and has regular and established places of business in this judicial district and in Texas. As non-limiting examples, on information and belief, Defendant uses office space in Austin for client meetings. Salesforce has more than 300 employees that work in this judicial district, including employees working in the cities of Waco, Austin, and San Antonio. The titles of said employees include "Vice President," "Principal Architect," and "Senior Director."

7. Upon information and belief, the majority of Salesforce's nationwide workforce is working from home and will continue to be allowed to do so until at least August of 2021. Upon information and belief, some of the Salesforce employees working in the Western District utilize

their home as a principal place of business for Salesforce. Additionally, such employees are allowed to advertise that they are, for example, an Austin Salesforce employee. Because of such representations, local magazines advertise Salesforce as having a place of business in Austin.



Source: <https://www.builtinaustin.com/company/salesforce>

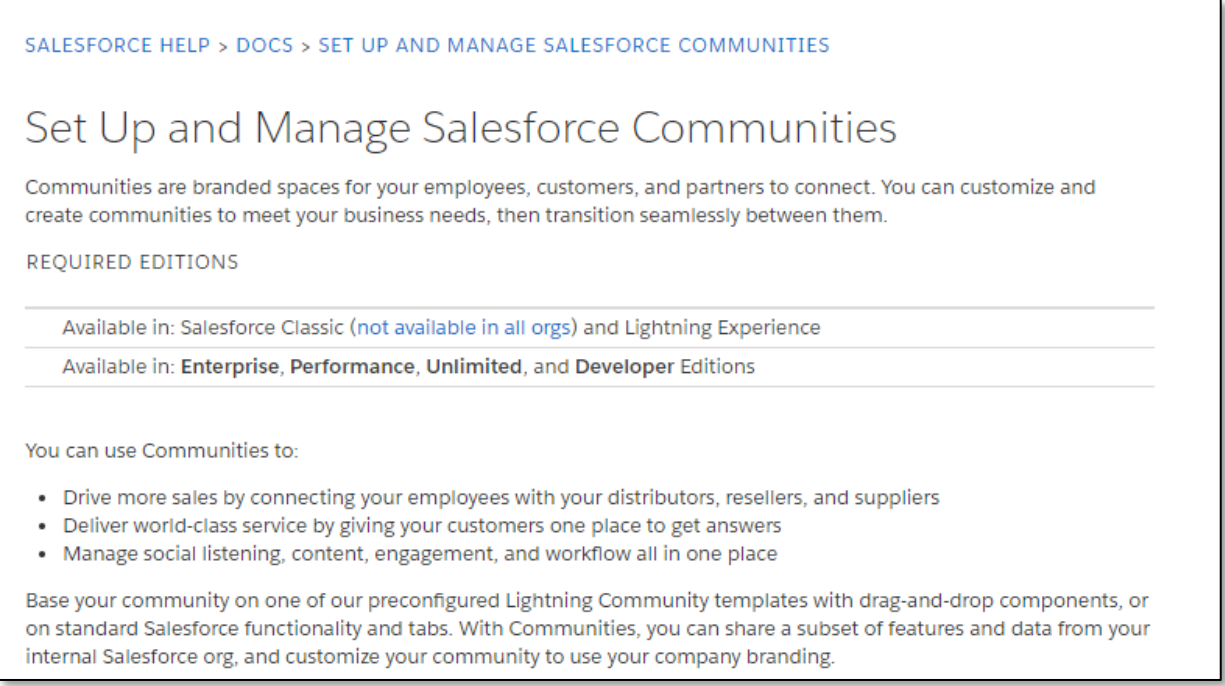
COUNT ONE - INFRINGEMENT OF U.S. PATENT NO. 9,336,320

1. Brazos re-alleges and incorporates by reference the preceding paragraphs of this Complaint.
2. On May 10, 2016, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,336,320 (“the ‘320 Patent”), entitled “Method and apparatus for navigating services.” A true and correct copy of the ‘320 Patent is attached as Exhibit A to this Complaint.
3. Brazos is the owner of all rights, title, and interest in and to the ‘320 Patent, including the right to assert all causes of action arising under the ‘320 Patent and the right to any

remedies for the infringement of the '320 Patent.

4. Salesforce makes, uses, sells, offers for sale, imports, and/or distributes in the United States, including within this judicial district, products such as, but not limited to, Salesforce Communities (collectively, the “Accused Products”).

5. Salesforce Communities are branded spaces for employees, customers, and partners to connect. An admin can customize and create communities to meet their business needs, then transition seamlessly between them.

A screenshot of the Salesforce Help article titled "Set Up and Manage Salesforce Communities". The breadcrumb trail at the top reads "SALESFORCE HELP > DOCS > SET UP AND MANAGE SALESFORCE COMMUNITIES". The main heading is "Set Up and Manage Salesforce Communities". Below the heading, a summary states: "Communities are branded spaces for your employees, customers, and partners to connect. You can customize and create communities to meet your business needs, then transition seamlessly between them." A section titled "REQUIRED EDITIONS" follows, with two rows: "Available in: Salesforce Classic (not available in all orgs) and Lightning Experience" and "Available in: Enterprise, Performance, Unlimited, and Developer Editions". Below this, a section "You can use Communities to:" lists three bullet points: "Drive more sales by connecting your employees with your distributors, resellers, and suppliers", "Deliver world-class service by giving your customers one place to get answers", and "Manage social listening, content, engagement, and workflow all in one place". The final paragraph states: "Base your community on one of our preconfigured Lightning Community templates with drag-and-drop components, or on standard Salesforce functionality and tabs. With Communities, you can share a subset of features and data from your internal Salesforce org, and customize your community to use your company branding."

Source: https://help.salesforce.com/articleView?id=networks__overview.htm&type=5, Page 1

6. Salesforce Communities provide customizable Navigation menu components. These navigation menu items can include Salesforce objects, topics, URL to external sites, and menu labels.

Navigation Menu

The navigation menu component extends your community's navigation beyond navigational topics. Navigation menu items can include Salesforce objects, topics, pages in your community, URLs to external sites, and menu labels. Menu labels are parent headings under which you can nest other menu items. You can also enable the App Launcher to make it easy for members to switch between their communities and their Salesforce org.

Source: https://help.salesforce.com/articleView?id=rss_setup_nav_menu.htm&type=5#rss_setup_nav_menu, Page 1

7. While accessing the Salesforce Communities by a user, Salesforce Community admin can enable detection of the location of the user devices of the user. As an example, an admin can use 'navigator.geolocation' object to detect location. To improve the location, an admin can use 'sforce' Javascript object to detect the location of a user device while accessing the Salesforce communities. (i.e., receiving location information associated with a device)

Device browsers and webview equivalents do have the ability to find a user's location using the 'navigator.geolocation' object, but the reliability and accuracy leaves something to be desired. Its implementation and inner workings is also a complete black box with very little information on how it actually works. The native Location APIs appear to be much more robust and accurate. The native OS Location APIs use not only GPS, but also Wifi, cellular, and Bluetooth signals to improve location accuracy. I am almost certain 'navigator.geolocation' does not do this, but again, it is a black box and there appears to be no public documentation on the implementation per OS.

This Idea is to propose extending the Salesforce 'sforce' JavaScript object to support native device location APIs. The API implementation and response object would be the exact same as 'navigator.geolocation'.

It would look something like this:

```
sforce.geolocation.getCurrentPosition(function(position) {  
  do_something(position.coords.latitude, position.coords.longitude);  
});
```

I understand this behavior would vary based on the container it is being called from. In a device Browser (Safari, Chrome) it would simply be a proxy for the normal 'navigator.geolocation'. If running inside the Salesforce1 application it would access the native device Location APIs. Both iOS and Android have all the necessary methods to rebuild the 'position.coords' object.

Source: <https://success.salesforce.com/ideaView?id=0873A000000Tr2oQAC>,

8. The method practiced by the accused product comprises selecting, via a processor, menu items associated with two or more different services based on the location information.

9. An admin of a Salesforce community can add menu items to a menu. The menu

items include Community pages, External URL, Global Action, Menu Label, Navigation Topic, and Salesforce Object, each representing different services.

5. To add a menu item:

- a. Click **Add Menu Item**.
- b. Enter the name you want to use in the navigation menu for this item.
- c. Select the type of item you're navigating to.

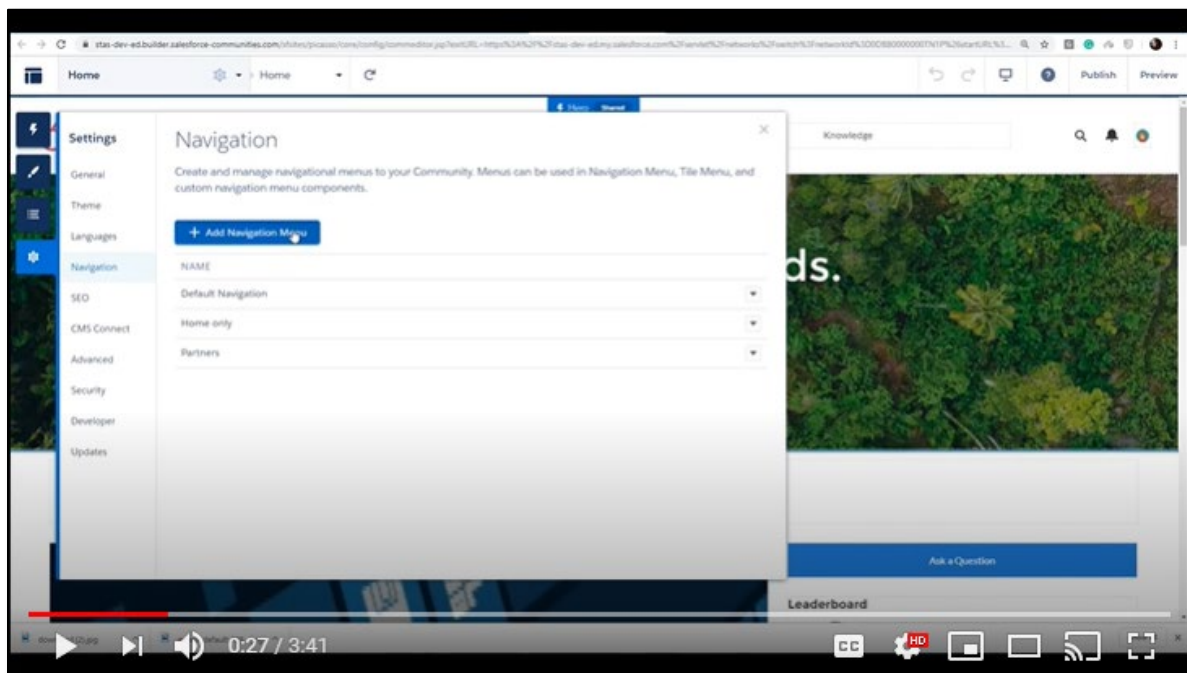
Options include:

- Community Page—Links to a page inside your community using a relative URL. For example, `/contactsupport`.
- External URL—Links to a URL outside of your community. For example, `http://www.salesforce.com`.
- Global Action—Links to a global action. For example, `New Case`.
- Menu Label—Adds a parent heading for your navigation menu. Nest items underneath the menu label.
- Navigational Topic—A dropdown with links to the navigational topics in your community. Navigational topics are set up in Community Management.
- Salesforce Object—Available objects include accounts, cases, campaigns, contracts, contacts, dashboards, groups, leads, opportunities, orders, price books, products, quotes, reports, tasks, work orders, and any custom objects.

Source:

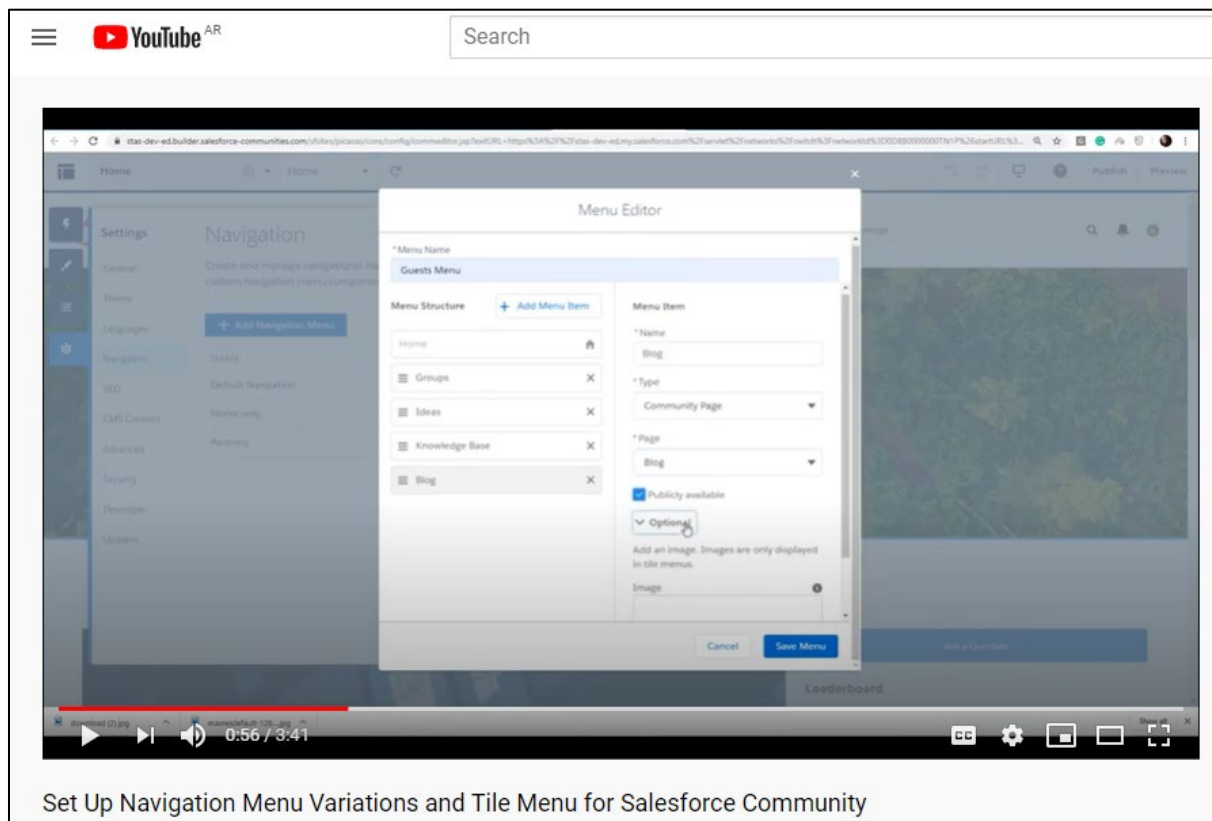
https://help.salesforce.com/articleView?id=rss_setup_nav_menu.htm&type=5#rss_setup_nav_menu, Page 1

10. Salesforce customization allows users to add different types of menu items using toolbars. Each menu item provides a different service to the user.



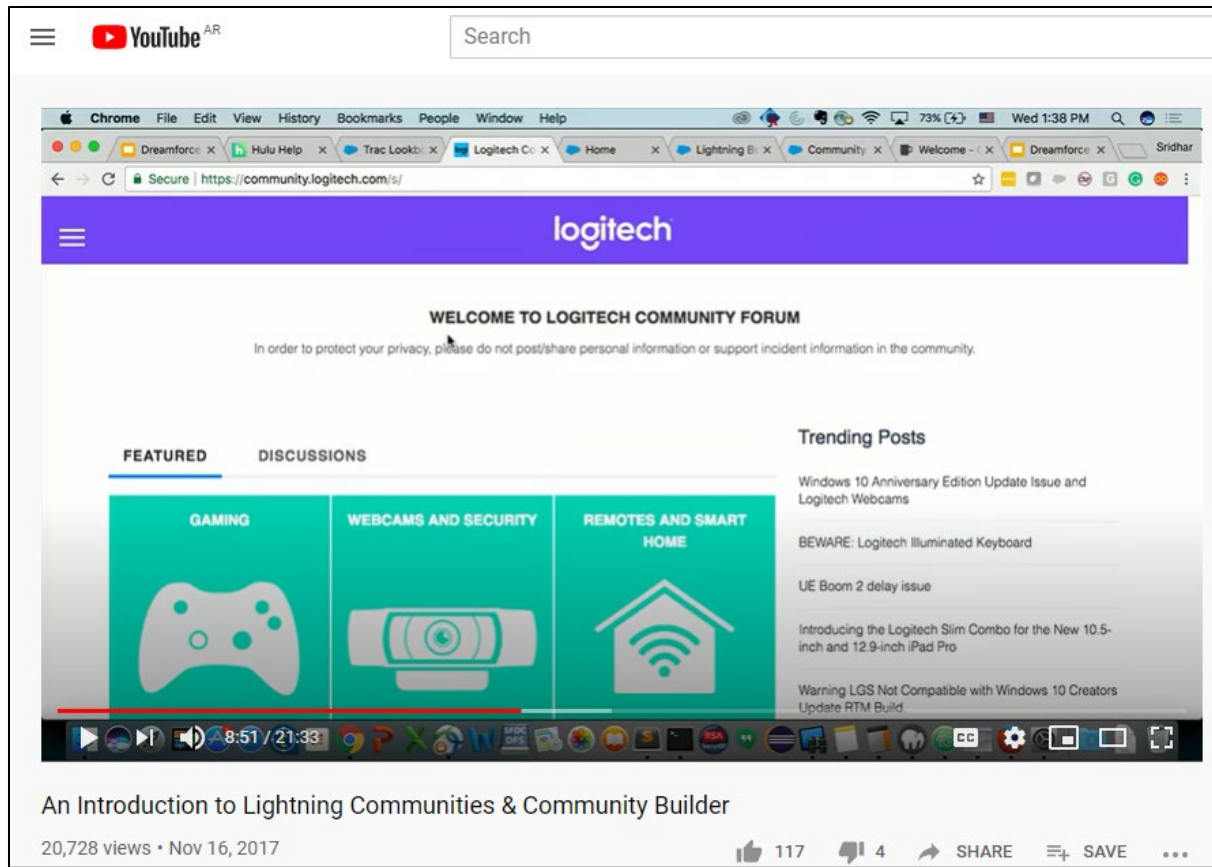
Source: <https://www.youtube.com/watch?v=eMoC2xeG5Ms>, Timestamp:0:27.

11. Salesforce Communities provides a platform to customize menu items that can be added based on the requirements of the user. For the same webpage, Salesforce provides options to have different menu items.



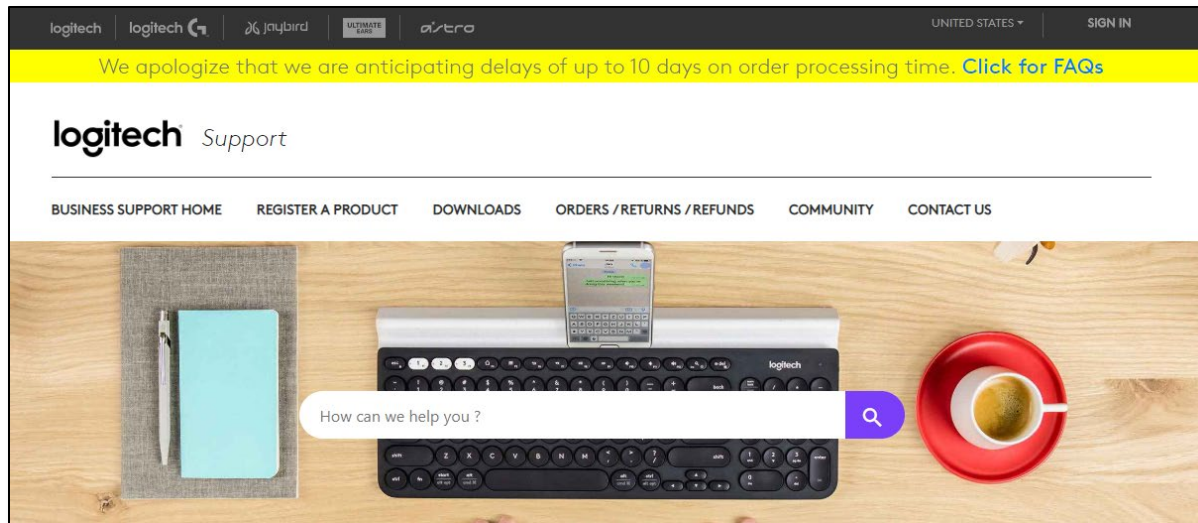
Source: <https://www.youtube.com/watch?v=eMoC2xeG5Ms>, Timestamp:0:5

12. One such example of the Salesforce Community is “community.logitech.com”. Salesforce community has built the Logitech community.



Source: <https://www.youtube.com/watch?v=mwdgueihnXA>, Time Stamp 8:51

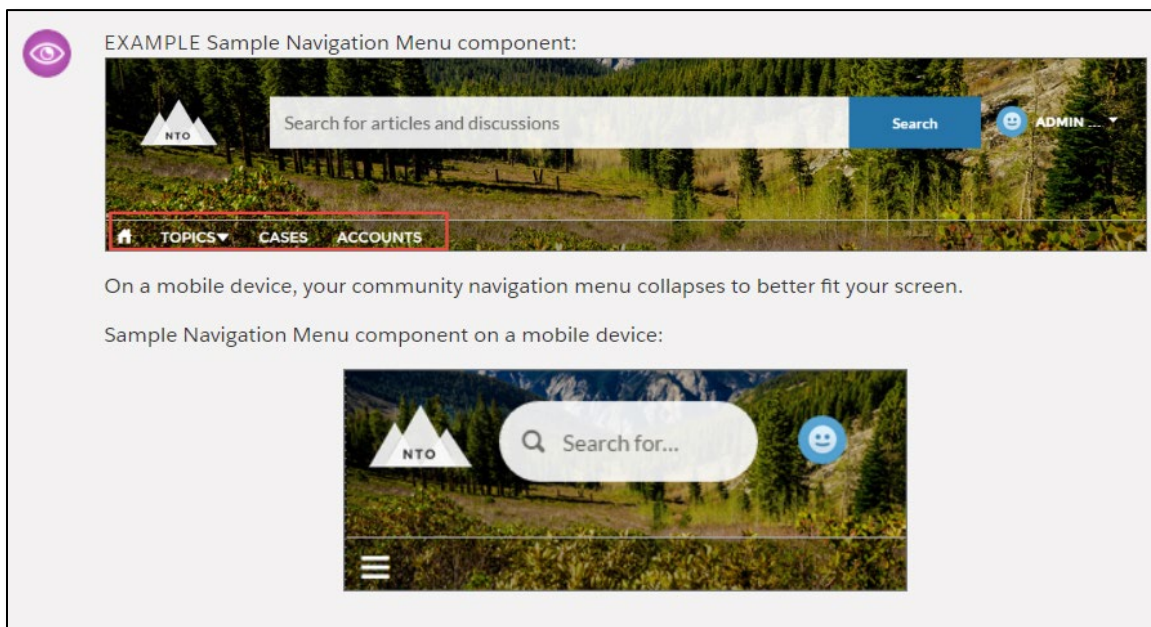
13. The website [community.logitech](https://community.logitech.com/) supports different menu items based on the location. Six menu items are shown in the below figure and include “Business Support Home” and “Register a Product.”



Source: <https://support.logi.com/hc/en-us/community/topics>, Page 1

14. All the menu items are presented together to the user in a user interface that acts as a bridge. These menu items correspond to one or more services.

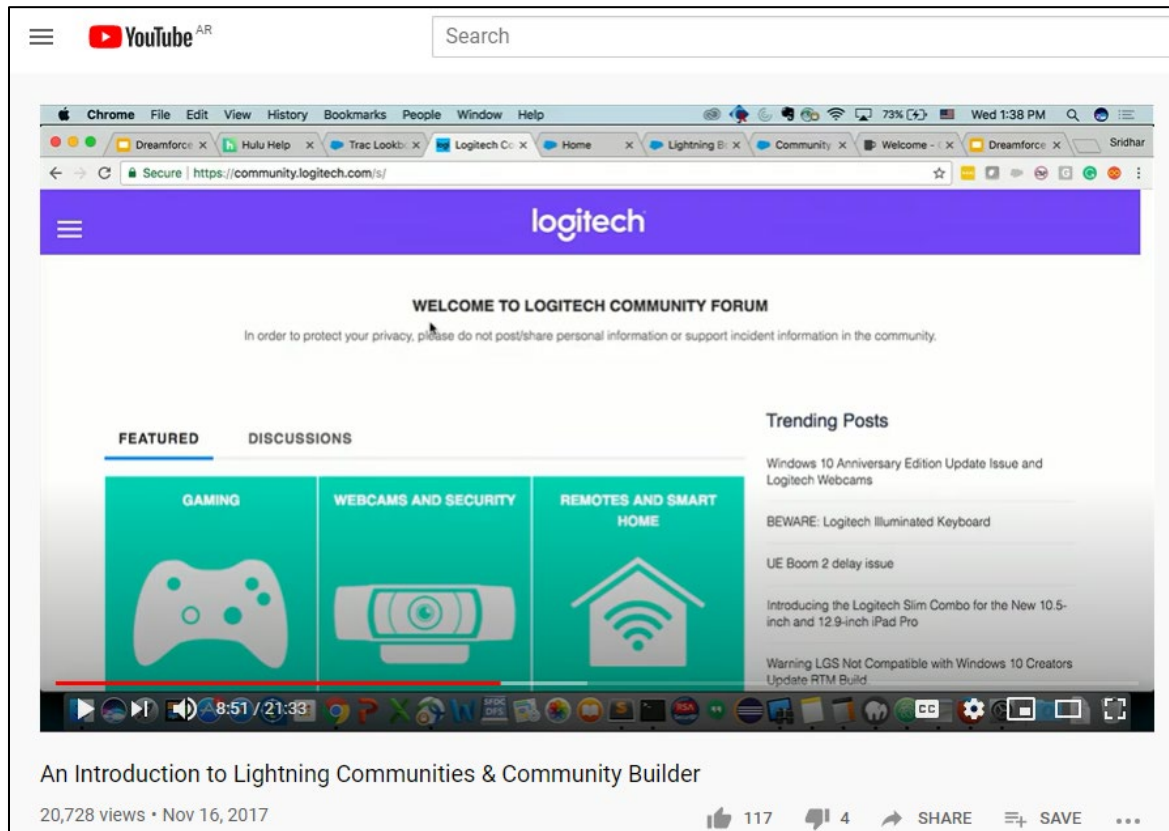
15. The Salesforce Navigation Menu acts as a bridge between the menu items of a website and a mobile application.



Source:

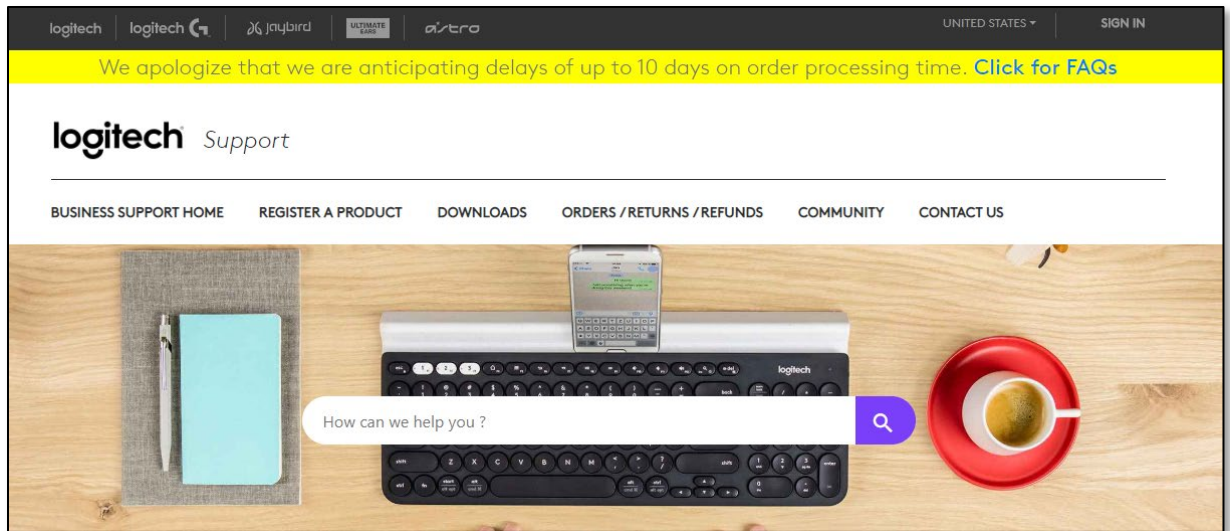
https://help.salesforce.com/articleView?id=rss_setup_nav_menu.htm&type=5#rss_setup_nav_menu, Page 2

16. Salesforce community has built the Logitech community.



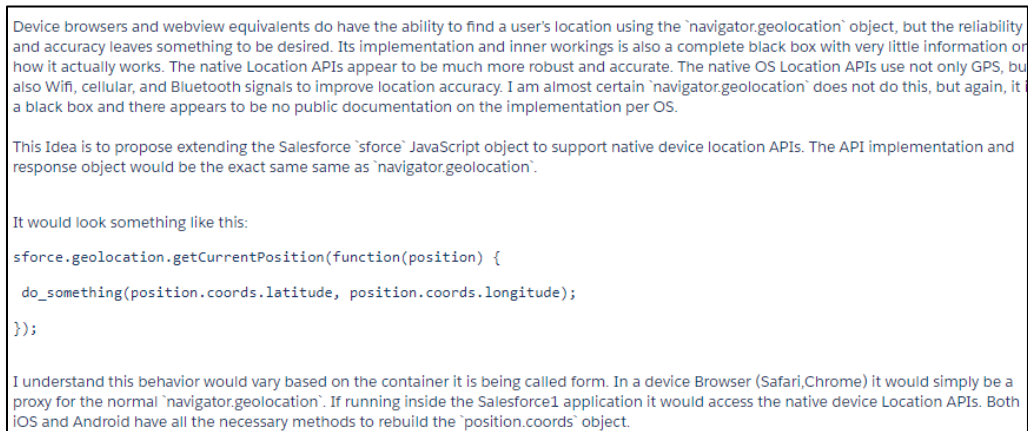
Source: <https://www.youtube.com/watch?v=mwdgueihnXA>, Page 1

17. For example, the Salesforce Logitech support menu bar acts as a bridge for different menu items.



Source: <https://support.logi.com/hc/en-us/community/topics>, Page 1

18. In Salesforce Community, admin can use 'sforce' Javascript object to detect the location of a user device while accessing the Salesforce communities. These functions extract the location information.



Source: <https://success.salesforce.com/ideaView?id=0873A000000Tr2oQAC>, Page 1

19. Each Salesforce Community has one associated "Site.com." "Site.com" enables Salesforce community users to add custom branded pages to the community. "Site.com" allows users to customize the community interface.

Create a Site.com Community

Each community has one associated Site.com site that lets you add custom, branded pages to your community. By default, Site.com pages are publicly available and don't require login, but you can also create private pages that only community members can access.

Source:

https://help.salesforce.com/articleView?id=siteforce_communities_overview.htm&type=5,

Page 1.

Use Site.com to Customize Your Community

REQUIRED EDITIONS AND USER PERMISSIONS

Available in: Salesforce Classic ([not available in all orgs](#))

Available for purchase in: **Enterprise**, **Performance**, and **Unlimited** Editions

Available (with limitations) in: **Developer** Edition

USER PERMISSIONS NEEDED

To build, edit, and manage a community's Site.com custom pages:

Create and Set Up Communities

OR

Site.com Publisher User field enabled on the user detail page

AND

Site administrator or designer role assigned at the site level

Source: https://help.salesforce.com/articleView?id=siteforce_communities_using.htm&type=5,
Page 1

20. Salesforce Community builder provides an option to create a multilingual community with “Site.com.”

21. Translated content for each language can be added, and community visitors can choose their preferred language. Also, the language of the menu items can be presented in different languages.

Create a Multilingual Community

Creating a multilingual community involves a few main steps. Define the languages that you want your community to support. Add translated content for each language. And enable community visitors to choose their preferred language.

REQUIRED EDITIONS AND USER PERMISSIONS

Available in: Lightning communities accessed through Lightning Experience, Salesforce Classic, and mobile devices, and is available in **Essentials**, **Enterprise**, **Performance**, **Unlimited**, and **Developer** editions.

USER PERMISSIONS NEEDED

To create, customize, or publish a community:

Create and Set Up Communities AND View Setup and Configuration

Source: https://help.salesforce.com/articleView?id=customize_wbench.htm&type=5, Page 1

22. Salesforce Community uses a translation workbench to translate the menu items. A five-character locale code is used to identify languages according to the geographic location.

Translations

This metadata type allows you to work with translations for various supported languages. The ability to translate component labels is part of the Translation Workbench. For more information, see “Enable and Disable the Translation Workbench” in the Salesforce online help.

This type extends the [Metadata](#) metadata type and inherits its `fullName` field.

Language

A two-character language code identifies each language, such as `en`. A five-character locale code is used for languages that differ depending on the location. For example, `en_AU`.



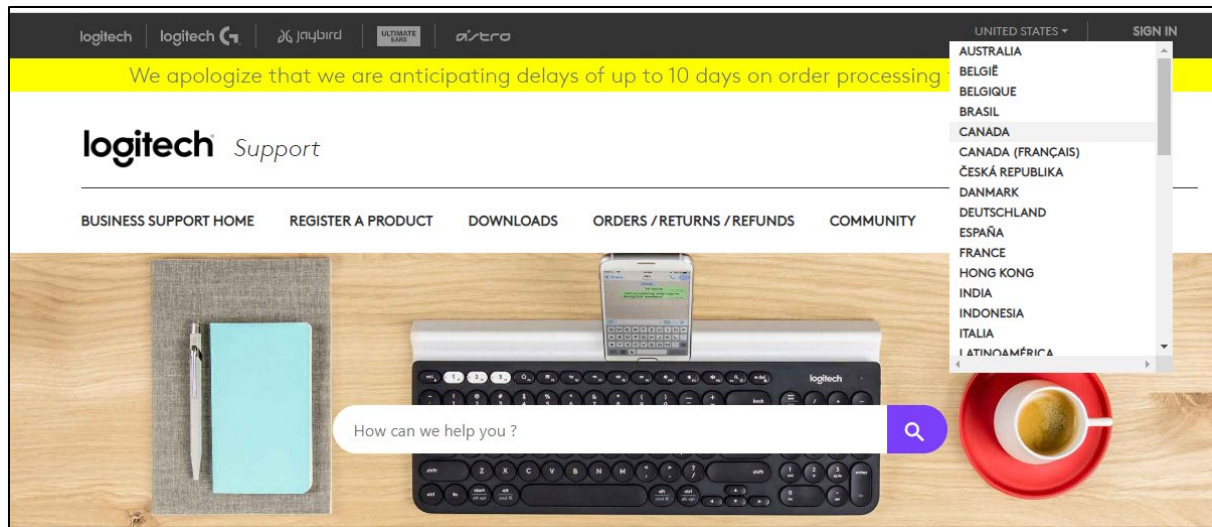
Setting a default language is different from setting a default locale. See [Select Your Language, Locale, and Currency in Salesforce Help](#) for more information.

Salesforce offers full support for the following languages.

- Chinese (Simplified): `zh_CN`
- Chinese (Traditional): `zh_TW`

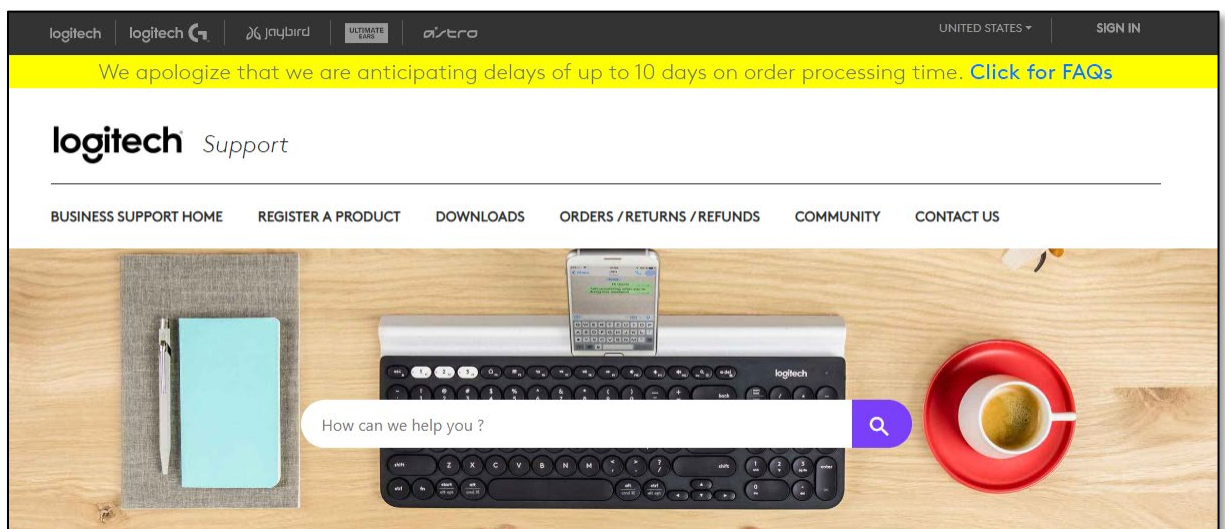
Source: https://developer.salesforce.com/docs/atlas.en-us.api_meta/meta/api_meta/meta_translations.htm

23. Salesforce Community Builder builds the website to be accessed across multiple regions in different languages. A user can also select the language for website surfing using a drop down list in the Logitech Community.



Source: <https://support.logi.com/hc/en-us/community/topics>, Page 1,

24. A user can also manually change the region and select a different language in which to surf the Salesforce-based community. As a non-limiting example, the top right icon in the below figure can change the location. In the first figure below, the United States has been selected as the country. When the country is changed to France, as demonstrated in the second figure, the menu items appear in the French language. The Logitech website menu items are also changed as the location is changed.



Source: <https://support.logi.com/hc/en-us/community/topics>



Source: <https://support.logi.com/hc/fr-be/community/topics>, Page 1

25. Salesforce Community build website “community.logitech” supports different menu items based on the location. As an example, six menu items are shown in the below figure in a different language based on location information.



Source: <https://support.logi.com/hc/fr-be/community/topics>, Page 1

26. A non-limiting example can be seen in the Salesforce Community built Logitech

Community. In the USA, users can choose “Orders/Returns/Refunds,” while in France, users can only select from “Retours/Remboursements” (“Returns/Refunds”). Certain menu items may not be available based on the location of the user.



Source: <https://support.logi.com/hc/fr-be/community/topics>, Page 1.

27. In view of preceding paragraphs, each and every element of at least claim 1 of the ‘320 Patent is found in the Accused Products.

28. Salesforce continues to directly infringe at least one claim of the ‘320 Patent, literally or under the doctrine of equivalents, by making, using, selling, offering for sale, importing, and/or distributing the Accused Products in the United States, including within this judicial district, without the authority of Brazos.

29. Salesforce has received notice and actual or constructive knowledge of the ‘320 Patent since at least the date of service of this Complaint.

30. Since at least the date of service of this Complaint, through its actions, Salesforce has actively induced product makers, distributors, retailers, and/or end users of the Accused Products to infringe the ‘320 Patent throughout the United States, including within this judicial

district, by, among other things, advertising and promoting the use of the Accused Products in various websites, including providing and disseminating product descriptions, operating manuals, and other instructions on how to implement and configure the Accused Products. Examples of such advertising, promoting, and/or instructing include the documents at:

- https://help.salesforce.com/articleView?id=networks_overview.htm&type=5
- https://help.salesforce.com/articleView?id=rss_setup_nav_menu.htm&type=5#rss_setup_nav_menu
- <https://success.salesforce.com/ideaView?id=0873A000000Tr2oQAC>
- <https://www.youtube.com/watch?v=eMoC2xeG5Ms>
- <https://www.youtube.com/watch?v=eMoC2xeG5Ms>
- <https://www.youtube.com/watch?v=mwdgueihnXA>
- https://support.logi.com/hc/en-us/community/topicshttps://help.salesforce.com/articleView?id=siteforce_communities_overview.htm&type=5
- https://help.salesforce.com/articleView?id=siteforce_communities_using.htm&type=5
- https://help.salesforce.com/articleView?id=customize_wbench.htm&type=5
- https://developer.salesforce.com/docs/atlas.en-us.api_meta.meta/api_meta/meta_translations.htm
- <https://support.logi.com/hc/fr/community/topics>

31. Since at least the date of service of this Complaint, through its actions, Salesforce has contributed to the infringement of the '320 Patent by having others sell, offer for sale, or use the Accused Products throughout the United States, including within this judicial district, with knowledge that the Accused Products infringe the '320 Patent. The Accused Products are

especially made or adapted for infringing the '320 Patent and have no substantial non-infringing use. For example, in view of the preceding paragraphs, the Accused Products contain functionality which is material to at least one claim of the '320 Patent.

JURY DEMAND

Brazos hereby demands a jury on all issues so triable.

REQUEST FOR RELIEF

WHEREFORE, Brazos respectfully requests that the Court:

(A) Enter judgment that Salesforce infringes one or more claims of the '320 Patent literally and/or under the doctrine of equivalents;

(B) Enter judgment that Salesforce has induced infringement and continues to induce infringement of one or more claims of the '320 Patent;

(C) Enter judgment that Salesforce has contributed to and continues to contribute to the infringement of one or more claims of the '320 Patent;

(D) Award Brazos damages, to be paid by Salesforce in an amount adequate to compensate Brazos for such damages, together with pre-judgment and post-judgment interest for the infringement by Salesforce of the '320 Patent through the date such judgment is entered in accordance with 35 U.S.C. § 284, and increase such award by up to three times the amount found or assessed in accordance with 35 U.S.C. § 284;

(E) Declare this case exceptional pursuant to 35 U.S.C. § 285; and

(F) Award Brazos its costs, disbursements, attorneys' fees, and such further and additional relief as is deemed appropriate by this Court.

Dated: December 18, 2020

Respectfully submitted,

/s/ James L. Etheridge

James L. Etheridge

Texas State Bar No. 24059147

Ryan S. Loveless

Texas State Bar No. 24036997

Travis L. Richins

Texas State Bar No. 24061296

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